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JOHN M. GROVER**

January 6, 1999
VIA FACSIMILE

Darlene Lyon
United States Patent and Trademark Office
Assistant Commissioner for Patents
Washington, DC 20231-9998

Re: Request for Correction of Filing Date
For: IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD
Application No.: 08/834,194
Our Ref. No.: MASIMO.056A

Dear Ms. Lyon:

Attached, please find a request for correction of the filing date for Application No. 08/834,194. A similar request was mailed with a return postcard on October 21, 1997. We received the return postcard from the Patent and Trademark Office, postmarked October 23, 1997. Please contact me at 949-721-6305 if you need copies of the previous request and the return postcard for your records.

Thank you for your help in this matter.

Sincerely,

Lee W. Henderson

Lee W. Henderson, Ph.D.
Registration No. 41,830
Attorney of Record

Enclosure

F:\DOCS\1\WHL\WH-3148.DOC: clk
010699

#10

MASIMO.056A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Mohamed K. Diab et al.)	Group Art Unit 3136
)	
Appl. No.	:	08/834,194)	
)	
Filed	:	April 14, 1997)	
)	
For	:	IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD)	
)	
Examiner	:	E. Winakur)	

CERTIFICATE OF FAX TRANSMISSION

I hereby certify that this correspondence and all marked attachments are being facsimile transmitted to the Patent and Trademark Office on the date shown below:

January 6, 1999

(Date)

Lee W. Henderson

Lee W. Henderson, Ph.D., Reg. No. 41,830

REQUEST FOR CORRECTION OF FILING DATE

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicant respectfully requests that the filing date for the above-identified patent application be corrected from April 15, 1997 to April 14, 1997, as shown in RED on the enclosed copy of the Official Filing Receipt. The application was submitted by Certificate of Express Mail on April 14, 1997, as evidenced by the date on the enclosed copies of the Certificate of Express Mail, Transmittal Letter, check and return postcard. Please note that the Patent and Trademark Office mailroom stamped the return postcard with the incorrect date of April 15, 1997. Please also note that the date in the upper right-hand corner of the Transmittal Letter is automatically inserted by the WordPerfect word processing program used by Applicant's counsel, and is based upon the computer clock.

Appl. No. : 08/834,194
Filed : April 14, 1997

A copy of the Express Mail receipt from the post office is also enclosed. Applicant notes that the Express Mail receipt shows "4/14" as the month and day of receipt.

In view of the enclosed documentary evidence, as discussed above, Applicant respectfully requests correction of the filing date.

If there are any further questions, please call the undersigned attorney of record at 949-721-6305 or at the telephone number listed below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: January 6, 1999

By: Lee W. Henderson
Lee W. Henderson, Ph.D.
Registration No. 41,830
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(949) 760-0404

LWH-2363:clk
010699

PTO-103X
(Rev. 8-95)

FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
08/834,194	04/14/97	2414	\$1,230.00	MASIM0056A	19	19	6

KNOBBE MARTENS OLSON & BEAR
620 NEWPORT CENTER DRIVE 16TH FLOOR
NEWPORT BEACH CA 92660

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Application Processing Division's Customer Correction Branch within 10 days of receipt. Please provide a copy of the Filing Receipt with the changes noted thereon.

Applicant(s)

MOHAMED K. DIAB, MISSION VIEJO, CA; REX MCCARTHY,
MISSION VIEJO, CA.

FOREIGN FILING LICENSE GRANTED 09/02/97

TITLE

IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD

PRELIMINARY CLASS: 364

DOCKETED ON:	SEP 14 1997
BY: <i>TG</i>	VERIFIED BY: <i>[Signature]</i>
ACTION:	
DUE DATE:	
FINAL DEADLINE:	
ATTY: <i>SCJ/LNH</i>	
ATTORNEY VERIFICATION OF DUE DATE AND FINAL DEADLINE: <i>[Signature]</i>	

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<input type="checkbox"/> Registered Mail	Date In 4/14	<input checked="" type="checkbox"/> 1st Day <input type="checkbox"/> 2nd Day	Postage: S
<input type="checkbox"/> Insured Mail	Time In 2300 PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt:
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NEWPORT BEACH CA 92660-6424

MASIND.056A/JTS

4/14/97

TO: (PLEASE PRINT)

PHONE

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

FOR PICKUP OR TRACKING CALL 1-800-222-1811

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UTILITY/DESIGN PATENT

Date: 4/14/97

(application)

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Express Mail #: EM473793474US

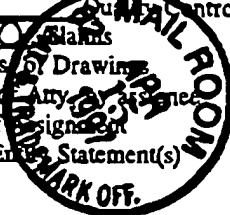
Atty: JTS/LWH

Atty. Dkt. # MASIMO.056A

Applicant: Mohamed K. Diab, et al.

Title: IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD

VERIFIED BY: Asst: L. Bogdanovich

☒ Patent Appln. in 43 pgs. incl. Spec and 30 Claims☒ Transmittal in Duplicate☐ Preliminary Amendment in ___ pgs.☐ Decl. and Power of Atty.☒ Decl. by Inventor(s)☒ Filed Signed/Unsigned☒ Assignment in 2 pgs.☐ Information Disclosure Statement; PTO-1449 w/ Ref(9) 1471 U.S. PTO☒ Check for \$1,230.00 Filing Fee☒ Check for \$40.00 for Assignment☐ Return Postcard

04/15/97

7/96

DOCKETED ON: JUN 05 1997

BY: [Signature] VERIFIED BY: [Signature]

ACTION: FOREIGN FILING DUE

DUE DATE: April 14, 1998

FINAL DEADLINE: April 14, 1998

ATTY: JTS/LWH

ATTORNEY VERIFICATION OF DUE DATE AND FINAL DEADLINE

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JIAWEI HUANG

Assistant Commissioner for Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Attorney Docket No. : MASIMO.056A
Applicant(s) : Mohamed K. Diab and Rex J. McCarthy
For : IMPROVED SIGNAL PROCESSING
APPARATUS AND METHOD
Attorney : Jerry T. Sewell
"Express Mail"
Mailing Label No. : EM473793474US
Date of Deposit : April 14, 1997

I hereby certify that the accompanying

Transmittal in Duplicate; Specification in 43 pages; 19 sheets of drawings;
SIGNED Declaration by Inventors in 2 pages; Recordation Form Cover Sheet
and Assignment in 2 pages; Checks for Filing Fees; Return Prepaid Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and are addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Jerry T. Sewell

LWH-1264:lcb
970614/1

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PATENT

Case Docket No. MASIMO.056A

Date: April 14, 1997

Page 1

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

ATTENTION: APPLICATION BRANCH

Sir:

Transmitted herewith for filing is the patent application of

Inventor(s): Mohamed K. Diab and Rex J. McCarthy

For: IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD

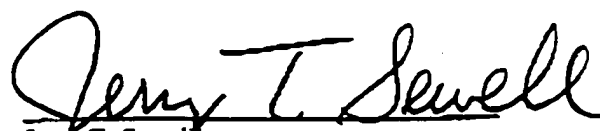
Enclosed are:

- (X) Nineteen (19) sheets of drawings.
- (X) Recordation form cover sheet with two-page assignment.
- (X) Declaration by inventors.
- (X) Return prepaid postcard.

CLAIMS AS FILED

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Basic Fee			\$770	\$770
Total Claims	30 - 20 =	10 x	\$22	\$220
Independent Claims	6 - 3 =	3 x	\$80	\$240
If application contains any multiple dependent claims(s), then add			\$260	N/A
TOTAL FILING FEE				\$1,230

- (X) A check in the amount of \$1,230.00 to cover the filing fee is enclosed.
- (X) A check in the amount of \$40.00 to cover the assignment recording fee.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Account No. 11-1410. A duplicate copy of this sheet is enclosed.


Jerry T. Sewell
Registration No. 31,567
Attorney of Record

KNOBBE MARTENS OLSON & BEAR
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NEWPORT BEACH, CA 92660

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Masimo OSA Pat App.

Lisa Bogdanovitch

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Express Mail #: EM473793474US

Atty: JTS/LWH

Atty. Dkt. # MASIMO.056A

Applicant: Mohamed K. Diab et al.

Title: IMPROVED SIGNAL PROCESSING APPARATUS AND METHOD

VERIFIED BY: Asst: L. Bogdanovich

Quality Control:

☒ Patent Appln. in 43 pgs. incl. Spec and 30 Claims☒ Transmittal in Duplicate 19 pgs. of Drawings☐ Preliminary Amendment in ___ pgs.☐ Power of Atty. by assignee;☐ Decl. and Power of Atty.

copy of Assignment

☒ Decl. by Inventor(s)☐ Small Entry Statement(s)☒ Filed Signed/Unsigned☒ Assignment in 2 pgs.☐ Information Disclosure Statement; PTO-1449 w/ ___ Ref(s)☒ Check for \$1,230.00 Filing Fee☒ Check for \$40.00 for Assignment☐☒ Return Postcard

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